

106TH CONGRESS  
2D SESSION

# H. R. 4759

To amend title 38, United States Code, to improve the personnel system of the Veterans Health Administration, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2000

Mr. STEARNS (for himself and Mr. STUMP) introduced the following bill;  
which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to improve the personnel system of the Veterans Health Administration, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Department of Veterans Affairs Health Care Personnel  
6       Act of 2000”.

7       (b) TABLE OF CONTENTS.—The table of contents of  
8       this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

## TITLE I—PERSONNEL MATTERS

- Sec. 101. Revised authority for pay adjustments for nurses employed by the Department of Veterans Affairs.
- Sec. 102. Special pay for dentists.
- Sec. 103. Exemption for pharmacists from ceiling on special salary rates.
- Sec. 104. Physician assistant consultant.
- Sec. 105. Temporary appointment of graduates of physician assistant training.

## TITLE II—CONSTRUCTION AUTHORIZATION

- Sec. 201. Authorization of major medical facility projects.
- Sec. 202. Authorization of appropriations.

## TITLE III—MILITARY SERVICE ISSUES

- Sec. 301. Military service history.
- Sec. 302. Study of post-traumatic stress disorder in Vietnam veterans.

## TITLE IV—MEDICAL ADMINISTRATION MATTERS

- Sec. 401. Coordination of hospital benefits program.
- Sec. 402. Benefits for persons disabled by participation in compensated work therapy program.
- Sec. 403. Extension of authority to establish research and education corporations.
- Sec. 404. Department of Veterans Affairs Fisher Houses.
- Sec. 405. Extension of annual report of Committee on Mentally Ill Veterans.
- Sec. 406. Exception to recapture rule.
- Sec. 407. Change to enhanced use lease congressional notification period.
- Sec. 408. Technical and conforming changes.
- Sec. 409. Name of Department of Veterans Affairs outpatient clinic, Rome, New York.
- Sec. 410. Release of reversionary interest of the United States in certain real property previously conveyed to the State of Tennessee.

1 **SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

2       Except as otherwise expressly provided, whenever in  
 3 this Act an amendment or repeal is expressed in terms  
 4 of an amendment to, or repeal of, a section or other provi-  
 5 sion, the reference shall be considered to be made to a  
 6 section or other provision of title 38, United States Code.

1     **TITLE I—PERSONNEL MATTERS**

2     **SEC. 101. REVISED AUTHORITY FOR PAY ADJUSTMENTS**  
3                     **FOR NURSES EMPLOYED BY THE DEPART-**  
4                     **MENT OF VETERANS AFFAIRS.**

5             (a) REVISED PAY ADJUSTMENT PROCEDURES.—Sec-  
6     tion 7451 is amended—

7                 (1) in subsection (d)—

8                     (A) in paragraph (1), by striking “The  
9                     rates” and inserting “Subject to subsection (e),  
10                    the rates”;

11                    (B) in paragraph (2), by striking “Such”  
12                    in the second sentence and inserting “Except as  
13                    provided in paragraph (1), such”;

14                    (C) in paragraph (3)(B)—

15                         (i) by inserting after the first sentence  
16                         the following new sentence: “To the extent  
17                         practicable, the director shall use third-  
18                         party industry wage surveys to meet the  
19                         requirements of the preceding sentence.”;

20                         (ii) by inserting before the penul-  
21                         timate sentence the following new sentence:  
22                         “To the extent practicable, all surveys con-  
23                         ducted pursuant to this subparagraph or  
24                         subparagraph (A) shall include the collec-  
25                         tion of salary midpoints, actual salaries,

1 lowest and highest salaries, average sala-  
2 ries, bonuses, incentive pays, differential  
3 pays, actual beginning rates of pay and  
4 such other information needed to meet the  
5 purpose of this section.”; and

6 (iii) in the penultimate sentence, by  
7 inserting “or published” after “com-  
8 pleted”;

9 (D) by striking clause (iii) of paragraph  
10 (3)(C);

11 (2) by striking subsection (e) and inserting the  
12 following:

13 “(e)(1) An adjustment in a rate of basic pay under  
14 subsection (d) may not reduce the rate of basic pay appli-  
15 cable to any grade of a covered position.

16 “(2) The director of a Department health-care facil-  
17 ity, in determining whether to carry out an adjustment  
18 under subsection (d) in rates of basic pay for a grade of  
19 a covered position, may not consider as a factor in such  
20 determination the absence of a current recruitment or re-  
21 tention problem for personnel in that grade of that posi-  
22 tion.

23 “(3) The Under Secretary for Health may, to the ex-  
24 tent necessary to carry out the purposes of subsection (d),  
25 modify any determination made by the director of a De-

1 partment health-care facility with respect to adjusting the  
 2 rates of basic pay applicable to covered positions. Upon  
 3 such action by the Under Secretary, any adjustment shall  
 4 take effect on the first day of the first pay period begin-  
 5 ning after such action. The Secretary shall ensure that  
 6 the Under Secretary establishes a mechanism for the exer-  
 7 cise of the authority in the preceding sentence.”;

8 (3) in subsection (f)—

9 (A) by striking “February 1 of 1991,  
 10 1992, and 1993” and inserting “March 1 of  
 11 each year”; and

12 (C) by striking “subsection (d)(1)(A)” and  
 13 inserting “subsection (d)”; and

14 (4) by striking subsection (g) and redesignating  
 15 subsection (h) as subsection (g).

16 (b) REQUIRED CONSULTATIONS WITH NURSES.—(1)  
 17 Subchapter II of chapter 73 is amended by adding at the  
 18 end the following new section:

19 **“§ 7323. Required consultations with nurses**

20 “The Under Secretary for Health shall ensure that—

21 “(1) the director of a geographic service area,  
 22 in formulating policy relating to the provision of pa-  
 23 tient care, shall consult regularly with a senior nurse  
 24 executive or senior nurse executives; and

1           “(2) the director of a medical center shall, to  
2           the extent feasible, include a registered nurse as a  
3           member of any committee used at that medical cen-  
4           ter to provide recommendations or decisions on med-  
5           ical center operations or policy affecting clinical  
6           services, clinical outcomes, budget, or resources.”.

7           (2) The table of sections at the beginning of such  
8 chapter is amended by inserting after the item relating  
9 to section 7322 the following new item:

          “7323. Required consultations with nurses.”.

10 **SEC. 102. SPECIAL PAY FOR DENTISTS.**

11           (a) **FULL-TIME STATUS PAY.**—Paragraph (1) of sec-  
12 tion 7435(b) is amended by striking “\$3,500” and insert-  
13 ing “\$9,000”.

14           (b) **SPECIAL PAY FOR POST-GRADUATE TRAINING.**—  
15 Such section is amended by adding at the end the fol-  
16 lowing new paragraph:

17           “(8) For a dentist who has successfully com-  
18 pleted a post-graduate year of hospital-based train-  
19 ing in a program accredited by the American Dental  
20 Association, an annual rate of \$2,000 for each of the  
21 first two years of service after successful completion  
22 of that training.”.

23           (c) **TENURE PAY.**—The table in paragraph (2)(A) of  
24 that section is amended to read as follows:

“Length of Service	Rate	
	Minimum	Maximum
1 year but less than 2 years .....	\$1,000	\$2,000
2 years but less than 3 years .....	4,000	5,000
4 years but less than 7 years .....	5,000	8,000
8 years but less than 11 years .....	8,000	12,000
12 years but less than 19 years .....	12,000	15,000
20 years or more .....	15,000	18,000.”.

1 (d) SCARCE SPECIALTY PAY.—Paragraph (3)(A) of  
2 that section is amended by striking “\$20,000” and insert-  
3 ing “\$30,000”.

4 (e) GEOGRAPHIC PAY.—Paragraph (6) of that sec-  
5 tion is amended by striking “\$5,000” and inserting  
6 “\$12,000”.

7 (f) RESPONSIBILITY PAY.—(1) The table in para-  
8 graph (4)(A) is amended to read as follows:

“Position	Rate	
	Minimum	Maximum
Chief of Staff or in an Executive Grade .....	\$14,500	25,000
Director Grade .....	0	25,000
Service Chief (or in a comparable position as determined by the Sec- retary) .....	4,500	15,000.”.

9 (2) The table in paragraph (4)(B) is amended to read  
10 as follows:

“Position	Rate
Deputy Service Director .....	\$20,000
Service Director .....	25,000
Deputy Assistant Under Secretary for Health .....	27,500
Assistant Under Secretary for Health (or in a comparable posi- tion as determined by the Secretary) .....	30,000.”.

11 (g) CREDITING OF INCREASED TENURE PAY FOR  
12 CIVIL SERVICE RETIREMENT.—Section 7438(b) is  
13 amended—

14 (1) by redesignating paragraph (5) as para-  
15 graph (6); and

1           (2) by inserting after paragraph (4) the fol-  
2       lowing new paragraph:

3       “(5) Notwithstanding paragraphs (1) and (2), a den-  
4       tist employed as a dentist in the Veterans Health Adminis-  
5       tration on the effective date of section 102 of the Depart-  
6       ment of Veterans Affairs Health Care Personnel Act of  
7       2000 shall be entitled to have special pay paid to the den-  
8       tist under section 7435(b)(2)(A) of this title (referred to  
9       as ‘tenure pay’) considered basic pay for the purposes of  
10      chapter 83 or 84, as appropriate, of title 5 only as follows:

11           “(A) In an amount equal to the amount that  
12      would have been so considered under such section on  
13      the day before such effective date based on the rates  
14      of special pay the dentist was entitled to receive  
15      under that section on the day before such effective  
16      date.

17           “(B) With respect to any amount of special pay  
18      received under that section in excess of the amount  
19      such dentist was entitled to receive under such sec-  
20      tion on the day before such effective date, in an  
21      amount equal to 25 percent of such excess amount  
22      for each two years that the physician or dentist has  
23      completed as a physician or dentist in the Veterans  
24      Health Administration after such effective date.”.



1       (h) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to agreements entered  
3 into by dentists under subchapter III of chapter 74 of title  
4 38, United States Code, on or after the later of—

5           (1) the date of the enactment of this Act; and

6           (2) October 1, 2000.

7       (i) TRANSITION.—(1) In the case of an agreement en-  
8 tered into by a dentist under subchapter III of chapter  
9 74 of title 38, United States Code, before the date of the  
10 enactment of this Act that expires after the effective date  
11 specified in subsection (h), the Secretary of Veterans Af-  
12 fairs and the dentist concerned may agree to terminate  
13 that agreement as of that effective date in order to permit  
14 a new agreement in accordance with section 7435 of such  
15 title, as amended by this section, to take effect as of that  
16 effective date.

17       (2) In the case of an agreement entered into under  
18 such subchapter before the date of the enactment of this  
19 Act that expires during the period beginning on the date  
20 of the enactment of this Act and ending on the effective  
21 date specified in subsection (h)(2), an extension or renewal  
22 of that agreement may not extend beyond that effective  
23 date.

24       (3) In the case of a dentist who begins employment  
25 with the Department of Veterans Affairs during the period

1 beginning on the date of the enactment of this Act and  
2 ending on the effective date specified in subsection (h)(2)  
3 who is eligible for an agreement under subchapter III of  
4 chapter 74 of title 38, United States Code, any such  
5 agreement may not extend beyond that effective date.

6 **SEC. 103. EXEMPTION FOR PHARMACISTS FROM CEILING**  
7 **ON SPECIAL SALARY RATES.**

8 Section 7455(c)(1) is amended by inserting “, phar-  
9 macists,” after “anesthetists”.

10 **SEC. 104. PHYSICIAN ASSISTANT CONSULTANT.**

11 Section 7306(f) is amended—

12 (1) by striking “and” at the end of paragraph  
13 (1);

14 (2) by striking the period at the end of para-  
15 graph (2) and inserting “; and”; and

16 (3) by adding at the end the following new  
17 paragraph:

18 “(3) a physician assistant with appropriate ex-  
19 perience (who may have a permanent duty station at  
20 a Department medical care facility in reasonable  
21 proximity to Washington, DC) advises the Under  
22 Secretary on all matters relating to the utilization  
23 and employment of physician assistants in the Ad-  
24 ministration.”.

1 **SEC. 105. TEMPORARY APPOINTMENT OF GRADUATES OF**  
2 **PHYSICIAN ASSISTANT TRAINING.**

3 Paragraph (2) of section 7405(c) is amended to read  
4 as follows:

5 “(2) A temporary full-time appointment may not be  
6 made for a period in excess of two years in the case of  
7 a person who—

8 “(A) has successfully completed—

9 “(i) a full course of nursing in a recog-  
10 nized school of nursing, approved by the Sec-  
11 retary; or

12 “(ii) a full course of training for any cat-  
13 egory of personnel described in paragraph (3)  
14 of section 7401 of this title, or as a physician  
15 assistant, in a recognized education or training  
16 institution approved by the Secretary; and

17 “(B) is pending registration or licensure in a  
18 State or certification by a national board recognized  
19 by the Secretary.

20 **TITLE II—CONSTRUCTION**  
21 **AUTHORIZATION**

22 **SEC. 201. AUTHORIZATION OF MAJOR MEDICAL FACILITY**  
23 **PROJECTS.**

24 The Secretary of Veterans Affairs may carry out the  
25 following major medical facility projects, with each project  
26 to be carried out in the amount specified for that project:

1           (1) Construction of a psychogeriatric care build-  
2           ing at the Department of Veterans Affairs Medical  
3           Center, Palo Alto, California, in an amount not to  
4           exceed \$26,600,000.

5           (2) Construction of a utility plant and electrical  
6           vault at the Department of Veterans Affairs Medical  
7           Center, Miami, Florida, in an amount not to exceed  
8           \$23,600,000.

9           (3) Seismic corrections, clinical consolidation,  
10          and other improvements at the Department of Vet-  
11          erans Affairs Medical Center, Long Beach, Cali-  
12          fornia, in an amount not to exceed \$51,700,000.

13 **SEC. 202. AUTHORIZATION OF APPROPRIATIONS.**

14          (a) IN GENERAL.—There are authorized to be appro-  
15          priated to the Secretary of Veterans Affairs for fiscal  
16          years 2001 and 2002 for the Construction, Major  
17          Projects, account, \$101,900,000 for the projects author-  
18          ized in section 101.

19          (b) LIMITATION.—The projects authorized in section  
20          101 may only be carried out using—

21               (1) funds appropriated for fiscal year 2001 or  
22               2002 pursuant to the authorization of appropria-  
23               tions in subsection (a);

1           (2) funds appropriated for Construction, Major  
2       Projects for a fiscal year before fiscal year 2001 that  
3       remain available for obligation; and

4           (3) funds appropriated for Construction, Major  
5       Projects for fiscal year 2001 or 2002 for a category  
6       of activity not specific to a project.

7       **TITLE III—MILITARY SERVICE**  
8                               **ISSUES**

9       **SEC. 301. MILITARY SERVICE HISTORY.**

10       (a) **MILITARY HISTORIES.**—The Secretary of Vet-  
11       erans Affairs, in carrying out the responsibilities of the  
12       Secretary under chapter 17 of title 38, United States  
13       Code, shall ensure that—

14           (1) a protocol is used in any clinical evaluation  
15       of a patient to identify pertinent military experiences  
16       and exposures that may contribute to the health sta-  
17       tus of the patient; and

18           (2) pertinent information relating to the mili-  
19       tary history of the patient is included in the medical  
20       records of the patient.

21       (b) **REPORT.**—The Secretary shall submit to the  
22       Committees on Veterans' Affairs of the Senate and House  
23       of Representatives a report, not later than nine months  
24       after the date of the enactment of this Act, on the feasi-  
25       bility and desirability of using a computer-based system

1 in conducting clinical evaluations referred to in subsection  
2 (a).

3 **SEC. 302. STUDY OF POST-TRAUMATIC STRESS DISORDER**  
4 **IN VIETNAM VETERANS.**

5 (a) STUDY ON POST-TRAUMATIC STRESS DIS-  
6 ORDER.—Not later than 10 months after the date of the  
7 enactment of this Act, the Secretary of Veterans Affairs  
8 shall enter into a contract with an appropriate entity to  
9 carry out a study on post-traumatic stress disorder.

10 (b) FOLLOW-UP STUDY.—The contract under sub-  
11 section (a) shall provide for a follow-up study to the study  
12 conducted in accordance with section 102 of the Veterans  
13 Health Care Amendments of 1983 (Public Law 98–160).  
14 Such follow-up study shall use the data base and sample  
15 of the previous study.

16 (c) INFORMATION TO BE INCLUDED.—The study  
17 conducted pursuant to this section shall be designed to  
18 yield information on—

19 (1) the long-term course of post-traumatic  
20 stress disorder;

21 (2) any long-term medical consequences of post-  
22 traumatic stress disorder;

23 (3) whether particular subgroups of veterans  
24 are at greater risk of chronic or more severe prob-  
25 lems with such disorder; and

1 (4) the services used by veterans who have post-  
2 traumatic stress disorder and the effect of those  
3 services on the course of the disorder.

4 (d) REPORT.—The Secretary shall submit to the  
5 Committees of Veterans’ Affairs of the Senate and House  
6 of Representatives a report, no later than October 1, 2004,  
7 on the results of the study under this section.

8 **TITLE IV—MEDICAL**  
9 **ADMINISTRATION MATTERS**

10 **SEC. 401. COORDINATION OF HOSPITAL BENEFITS PRO-**  
11 **GRAM.**

12 (a) IN GENERAL.—Chapter 17 is amended by insert-  
13 ing after section 1724 the following new section:

14 **“§ 1725. Coordination of hospital benefits program**

15 “(a) Notwithstanding any other provision of law, the  
16 Secretary may carry out a program in not more than four  
17 geographic areas of the United States to improve access  
18 to and coordination of inpatient care of eligible veterans.  
19 Under such program, the Secretary, subject to subsection  
20 (b), may pay certain costs described in subsection (b) for  
21 which a veteran with health plan coverage would otherwise  
22 be personally liable.

23 “(b) In carrying out the program described in sub-  
24 section (a), the Secretary may pay the costs authorized  
25 under this section for hospital care and medical services

1 furnished on an inpatient basis in a non-Department hos-  
2 pital to a veteran participating in the program. Such pay-  
3 ment may cover the costs for applicable plan deductibles  
4 and coinsurance and the reasonable costs of such inpatient  
5 care and medical services not covered by any applicable  
6 health plan, but only to the extent such care and services  
7 are of the kind authorized under this chapter.

8 “(c)(1) A veteran described in paragraph (1) or (2)  
9 of section 1710(a) of this title may participate in the pro-  
10 gram if the veteran—

11 “(A) is enrolled to receive medical services from  
12 an outpatient clinic operated by the Secretary which  
13 is (i) within reasonable proximity to the principal  
14 residence of the veteran, and (ii) located within the  
15 geographic area in which the Secretary is carrying  
16 out the program described in subsection (a);

17 “(B) as determined by the Secretary before the  
18 hospitalization of the veteran (i) requires such hos-  
19 pital care and services for a non-service-connected  
20 condition, and (ii) could not receive such services  
21 from a clinic operated by the Secretary; and

22 “(C) elects to receive such care under a health  
23 plan (other than under this title) under which the  
24 veteran is entitled to receive such care.



1       “(2) Nothing in this section shall be construed to re-  
2       duce the authority of the Secretary to contract with non-  
3       Department facilities for care of a service-connected dis-  
4       ability of a veteran.

5       “(d) As part of the program under this section, the  
6       Secretary shall, through provision of case-management,  
7       coordinate the care being furnished directly by the Sec-  
8       retary and care furnished under the program in non-De-  
9       partment hospitals to veterans participating in the pro-  
10      gram.

11      “(e)(1) In designating geographic areas in which to  
12      establish the program under subsection (a), the Secretary  
13      shall ensure that—

14           “(A) the areas designated are geographically  
15      dispersed;

16           “(B) at least 70 percent of the veterans who re-  
17      side in a designated area reside at least two hours  
18      driving distance from the closest medical center  
19      (which provides medical and surgical hospital care)  
20      operated by the Secretary; and

21           “(C) the establishment of the program in any  
22      such area would not result in jeopardizing the viabil-  
23      ity of a Department medical center that serves that  
24      area.

1       “(2) Notwithstanding paragraph (1)(B), the Sec-  
2       retary may designate for participation in the program at  
3       least one area which is in proximity to a Department med-  
4       ical center which, as a result of a change in mission of  
5       that center, does not provide hospital care.

6       “(f) The Secretary may limit the period of time with-  
7       in which veterans who were not enrolled for Department  
8       care at an outpatient clinic described in subsection  
9       (c)(1)(A) as of October 1, 2000, may be enrolled to par-  
10      ticipate in the program.

11      “(g)(1) Not later than 12 months after implementing  
12      the program under subsection (a) at any one site, the Sec-  
13      retary shall submit to the Committees on Veterans’ Affairs  
14      of the Senate and House of Representatives a report on  
15      the experience in implementing such program.

16      “(2) Not later than three years after implementing  
17      the program at any one site, the Secretary shall submit  
18      to such committees a report on the first two years’ experi-  
19      ence in operating the program. The report shall include—

20              “(A) a comparison of the costs incurred by the  
21      Secretary under the program and the cost experience  
22      for the calendar year preceding establishment of the  
23      program at each such site;

24              “(B) an assessment of the satisfaction of the  
25      participants in the program; and

1 “(C) an analysis of the effect of the program on  
2 access and quality of care for veterans.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
4 at the beginning of such chapter is amended by inserting  
5 after the item relating to section 1724 the following new  
6 item:

“1725. Coordination of benefits program.”.

7 **SEC. 402. BENEFITS FOR PERSONS DISABLED BY PARTICI-**  
8 **PATION IN COMPENSATED WORK THERAPY**  
9 **PROGRAM.**

10 Section 1151(a)(2) is amended—

11 (1) by inserting “(A)” after “proximately  
12 caused”; and

13 (2) by inserting before the period at the end the  
14 following: “, or (B) by participation in a program  
15 (known as a ‘compensated work therapy program’)  
16 under section 1718 of this title”.

17 **SEC. 403. EXTENSION OF AUTHORITY TO ESTABLISH RE-**  
18 **SEARCH AND EDUCATION CORPORATIONS.**

19 Section 7368 is amended by striking “December 31,  
20 2000” and inserting “December 31, 2005”.

21 **SEC. 404. DEPARTMENT OF VETERANS AFFAIRS FISHER**  
22 **HOUSES.**

23 (a) AUTHORITY.—Subchapter I of chapter 17 of title  
24 38, United States Code, is amended by adding at the end  
25 the following new section:

1 **“§ 1708. Temporary lodging**

2 “(a) The Secretary may furnish persons described in  
3 subsection (b) with temporary lodging in a Fisher house  
4 or other appropriate facility in connection with the exam-  
5 ination, treatment, or care of a veteran under this chapter  
6 or, as provided for under subsection (e)(5), in connection  
7 with benefits administered under this title.

8 “(b) Persons to whom the Secretary may provide  
9 lodging under subsection (a) are the following:

10 “(1) A veteran who must travel a significant  
11 distance to receive care or services under this title.

12 “(2) A member of the family of a veteran and  
13 others who accompany a veteran and provide the  
14 equivalent of familial support for such veteran.

15 “(c) In this section, the term ‘Fisher house’ means  
16 a housing facility that—

17 “(1) is located at, or in proximity to, a Depart-  
18 ment medical facility;

19 “(2) is available for residential use on a tem-  
20 porary basis by patients of that facility and others  
21 described in subsection (b)(2); and

22 “(3) is constructed by, and donated to the Sec-  
23 retary by, the Zachary and Elizabeth M. Fisher  
24 Armed Services Foundation.

25 “(d) The Secretary may establish charges for pro-  
26 viding lodging under this section. The proceeds from such

1 charges shall be credited to the medical care account and  
 2 shall be available until expended for the purposes of pro-  
 3 viding such lodging.

4 “(e) The Secretary shall prescribe regulations to  
 5 carry out this section. Such regulations shall include  
 6 provisions—

7 “(1) limiting the duration of such lodging;

8 “(2) establishing standards and criteria under  
 9 which medical facilities may set charges for such  
 10 lodging;

11 “(3) establishing criteria for persons considered  
 12 to be accompanying a veteran;

13 “(4) establishing criteria for the use of such  
 14 premises; and

15 “(5) any other limitations, conditions, and pri-  
 16 orities that the Secretary considers appropriate with  
 17 respect to temporary lodging under this section.”.

18 (b) CLERICAL AMENDMENT.—The table of sections  
 19 at the beginning of such chapter is amended by inserting  
 20 after the item relating to section 1707 the following new  
 21 item:

“1708. Temporary lodging.”.

22 **SEC. 405. EXTENSION OF ANNUAL REPORT OF COMMITTEE**  
 23 **ON MENTALLY ILL VETERANS.**

24 Section 7321(d)(2) is amended by striking “three”  
 25 and inserting “six”.

1 **SEC. 406. EXCEPTION TO RECAPTURE RULE.**

2 Section 8136 is amended—

3 (1) by inserting “(a)” at the beginning of the  
4 text of the section; and

5 (2) by adding at the end the following new sub-  
6 section:

7 “(b) The establishment and operation by the Sec-  
8 retary of an outpatient clinic in facilities described in sub-  
9 section (a) shall not constitute grounds entitling the  
10 United States to any recovery under that subsection.”.

11 **SEC. 407. CHANGE TO ENHANCED USE LEASE CONGRES-**  
12 **SIONAL NOTIFICATION PERIOD.**

13 Paragraph (2) of section 8163(c) is amended to read  
14 as follows:

15 “(2) The Secretary may not enter into an enhanced  
16 use lease until the end of the 90-day period beginning on  
17 the date of the submission of notice under paragraph  
18 (1).”.

19 **SEC. 408. TECHNICAL AND CONFORMING CHANGES.**

20 (a) **REQUIREMENT TO PROVIDE CARE.**—Section  
21 1710A(a) is amended by inserting “(subject to section  
22 1710(a)(4) of this title)” after “Secretary”.

23 (b) **CONFORMING AMENDMENT.**—Section 1710(a)(4)  
24 is amended by striking “requirement in” and inserting  
25 “requirements in section 1710A(a) and”.

1   **SEC. 409. NAME OF DEPARTMENT OF VETERANS AFFAIRS**

2                   **OUTPATIENT CLINIC, ROME, NEW YORK.**

3           The Department of Veterans Affairs outpatient clinic  
4 located at 125 Brookley Drive, Rome, New York, shall  
5 after the date of the enactment of this Act be known and  
6 designated as the “Donald J. Mitchell Department of Vet-  
7 erans Affairs Outpatient Clinic”. Any reference to such  
8 outpatient clinic in any law, regulation, map, document,  
9 record, or other paper of the United States shall be consid-  
10 ered to be a reference to the Donald J. Mitchell Depart-  
11 ment of Veterans Affairs Outpatient Clinic.

12   **SEC. 410. RELEASE OF REVERSIONARY INTEREST OF THE**

13                   **UNITED STATES IN CERTAIN REAL PROPERTY**

14                   **PREVIOUSLY CONVEYED TO THE STATE OF**

15                   **TENNESSEE.**

16           (a) **RELEASE OF INTEREST.**—The Secretary of Vet-  
17 erans Affairs shall execute such legal instruments as nec-  
18 essary to release the reversionary interest of the United  
19 States described in subsection (b) in a certain parcel of  
20 real property conveyed to the State of Tennessee pursuant  
21 to the Act entitled “An Act authorizing the transfer of  
22 certain property of the Veterans’ Administration (in John-  
23 son City, Tennessee) to the State of Tennessee”, approved  
24 June 6, 1953 (67 Stat. 54).

25           (b) **SPECIFIED REVERSIONARY INTEREST.**—Sub-  
26 section (a) applies to the reversionary interest of the

1 United States required under section 2 of the Act referred  
2 to in subsection (a), requiring use of the property con-  
3 veyed pursuant to that Act to be primarily for training  
4 of the National Guard and for other military purposes.

5 (c) CONFORMING AMENDMENT.—Section 2 of such  
6 Act is repealed.

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